

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CRIMINAL NO. SA-13-CR-153-OG
	)	
DANIEL ISAAH THODY,	)	
	)	
Defendant,	)	

**MOTION TO SUPPRESS EVIDENCE ILLEGALLY SEIZED**

Comes now defendant, DANIEL ISAAH THODY, in the above entitled and numbered cause, by and through its Secured Party, and pursuant to Rule 12 of the Federal Rules of Criminal Procedure, does hereby MOVE the court for an order suppressing the following evidence as illegally acquired and/or otherwise unavailable in an evidentiary capacity, for the reason that the evidence was obtained in violation of the Fourth Amendment to the United States Constitution. In support of this motion the Court is shown as follows:

**I.**

All government, henceforth plaintiff, evidence alleging amounts, dates of business transactions, recipients, and names or titles which were the product of computer information obtained by invalid warrant or forged warrant, unauthorized entry and removal of private, secured, personal property from the habitation of defendant, without defendant's permission and under the color of law by agents of the plaintiff. Defendant also asks that any evidence which was acquired as a result of information linked to or obtained thereby be also treated as the "fruit of the poisonous

tree” and suppressed as tainted. Defendant petitions an order from this court for an immediate return of the private, secured and personal property taken in said burglary action(s) under the color of law. Since there were two searches of the defendant’s premises, and only one had a recognized search warrant (which use of is invalid, as the affidavit for that warrant failed to affirm or declare a nexus or liability of the target of the warrant to the statute allegedly violated, and therefore failed to establish probable cause), defendant avers that all information alleged to have been recovered from either search be suppressed as there is no evidence as to which search produced what evidence. Defendant proposes that it is clear that one who would burglarize a habitat under color of law would easily bear false witness due to an even lesser possible penalty. Nevertheless, agents of the plaintiff have shown a penchant for crimes of moral turpitude and a blatant disregard for the truth. Relevant facts are as listed in order of their importance to suppression:

1. On 11/4/2011 C.E. the IRS CI Special Agent Sean Scott, and unknown agents burglarized the habitation under pretext of a search warrant, copy of said forged warrant was left on premises along with an inventory of items seized. As per FOIA request response (see attached Exhibit A), which request was for the supporting affidavit to the warrant, there was NO warrant for that case and consequently NO affidavit either. Plaintiff has conceded this by its response to defendants Motion to Quash Indictment, and thereby has acquiesced and agreed to the charge that the warrant was forged.
2. On 10/27/2010 C.E. the FBI Undercover Employee (UCE) invited inhabitant of the premise to be searched on a pretexted trip to Dallas area while unknown agents burglarized the premises in a covert entry and seized images of numerous computer

drives and took pictures of many items, under the color of law, without the permission of the owner and without a lawful, legitimate warrant – as the supporting affidavit thereto was fatally defective as noted above by its having failed to affirm or declare a nexus or liability of the target of the warrant to the statute allegedly violated, and therefore failed to establish probable cause. Plaintiff has conceded this by its response to defendants Motion to Quash Indictment, and thereby has acquiesced and agreed to the charge that the warrant's affidavit was deficient.

**CONCLUSION**

Defendant therefore, premises considered, respectfully moves this court set this motion on the Court's docket for an **EVIDENTIARY HEARING**. The defendant further requests that Court grant this motion and order the suppression for all purposes of all evidence seized pursuant to the two seizures which were unreasonable and illegal in violation of the Fourth Amendment to the United States Constitution and any evidence that flowed from those illegal searches and seizures.

Date: 8-19-2013 C.E.

Respectfully submitted,

DANIEL ISAIAH THODY

DANIEL ISAIAH THODY, Debtor, pro se, by

Daniel Thody

Daniel Isaiah Thody, Secured Party, Creditor

without prejudice